

To: Vaughn, Stephanie[Vaughn.Stephanie@epa.gov]
Cc: John Rolfe[jrolfe@demaximis.com]; Willard Potter[otto@demaximis.com]; Stan Kaczmarek[StanK@demaximis.com]; Basso, Ray[Basso.Ray@epa.gov]; Dawn Monsen[dawn.monsen@klgates.com]; Karyllan Mack[Karyllan.Mack@klgates.com]; William Hyatt[william.hyatt@klgates.com]; Mike Barbara[mab.consulting@verizon.net]
From: Robert Law
Sent: Thur 8/1/2013 9:32:34 PM
Subject: RE: RM 10.9 Removal Action - Final Approval and WQMP

Stephanie:

As you and I previously discussed today, the CPG will not be providing a revised proposal for Water Quality Monitoring and we will await the transmittal of the clarification that you indicated would be sent and we will then discuss any further questions that the CPG has.

As I stated yesterday on behalf of the CPG, the WQMP will be implemented as the EPA has directed. The CPG would like the opportunity to review and modify the requirements as the work proceeds and the data support modification of the WQMP.

The CPG acknowledges EPA approval to proceed with dredging on August 2 under the conditions established and will address the outstanding issues identified in EPA's approval to proceed.

Please contact Bill Potter or me with any questions or concerns.

Thank you.

R/
Rob

Robert Law, Ph.D.
de maximis, inc.
rlaw@demaximis.com
Voice: 908-735-9315

Fax: 908-735-2132>>> "Vaughn, Stephanie" <Vaughn.Stephanie@epa.gov> 8/1/2013 5:14 PM
>>>

Hi Rob,

There are two separate issues here.

Issue 1, WQMP:

On July 30, I sent you final comments on the water quality monitoring plan. On July 31, you responded stating that the CPG would implement the plan outlined in the July 30 email. Now, you state that you will be sending a revised proposal. However, as we discussed, the comments sent on 7/30 were final and additional revisions will not be accepted at this time.

I will provide additional clarification on how to implement the WQMP in a separate email.

Issue 2, Final Design Approval:

EPA received the revised Final Design Report dated July 31, 2013 earlier today (it was uploaded to the SharePoint site after COB on July 31). Given the time constraints, we have completed a cursory review of the document and hereby provide conditional approval. In addition, based on recent conversations with the state, EPA has determined that the design meets the substantive state requirements. As such, dredging may proceed on August 2 as planned, provided the silt curtain is in place.

Approval of the final design is conditioned on the following:

- Except for Section 7 and its related appendices, full review of all sections of the document by EPA. We intend to complete this review by next week. Based on the satisfactory response to comments provided previously and subsequent conversations, we anticipate that no further revisions will be required. However, additional comments will be provided if necessary.
- Our first priority will be review of Section 4.6, which relates to the Water Quality Monitoring Plan. Any discrepancies in that section from what EPA expects will be brought to your attention immediately.
- Section 7, and any text related to the long term monitoring plan, still requires modification and discussion between EPA and the CPG. Work can proceed prior to this section being approved, but we would like to resolve any outstanding issues related to this section by August 30.

Please let me know if you have any questions.

Thank you,

Stephanie

From: Robert Law [mailto:rlaw@demaximis.com]
Sent: Thursday, August 01, 2013 12:26 PM
To: Vaughn, Stephanie
Cc: Willard Potter; Stan Kaczmarek; Mike Barbara
Subject: RM 10.9 Removal Action - Final Approval and WQMP

Stephanie:

I understand from Stan that EPA provided verbal approval to begin dredging on Friday morning once the silt curtains are in place. As you and I discussed yesterday, the CPG would like written approval from EPA to commence dredging. The CPG received this morning the Tidelands License which was one of the items that the CPG was looking for from NJDEP (forwarded to EPA) - the other outstanding permit equivalent is final action on the State's Waterfront Development permit.

In addition, the CPG and its consultants remain concerned following today's discussion that the turbidity trigger criteria are overly sensitive and will likely result in frequent suspension of work. This needs to be clarified prior to the start of dredging. CPG and its consultants will provide a written proposal approach this afternoon on how to implement WQMP with the revised turbidity trigger criteria without it leading to an unnecessary shutdown of operations."

I have a call at 1 PM and another at 3 PM - please let me know if we need to discuss these items.

Thanks

R/

Rob

Robert Law, Ph.D.
de maximis, inc.
rlaw@demaximis.com
Voice: 908-735-9315
Fax: 908-735-2132